REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, and in light of the remarks that follow, are respectfully requested.

Claims 1-12, 59, 71-77, 79-85, 89-90, and 96-98 were pending in the application at the present office action. All pending claims were rejected under 35 U.S.C. § 112. Claims 1-8, 10-12, 59- 71-77, 79, 81-85, 89-90, and 96-98 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over "Profile, Indiana Journal of Optometry, Vol 2. No.1, pages 5-10 ("Profile"). Claims 1-3, 7, 11 and 96 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over WO 92/01417 to Horwitz. Finally, claims 9 and 80 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Profile in view of publication number 2002/0149739 "Perrott". Applicants would like to thank Examiner Schwartz for the interview with Applicant Blum and Applicants' undersigned counsel to discuss the present rejections. Examiner Schwartz and the undersigned have discussed the pending claims, the cited art, and possible amendments to the pending claims. Applicants believe the discussion was helpful in advancing the prosecution of the present application.

As Applicant Blum discussed with Examiner Schwartz, Profile does not disclose a spectacle lens capable of correcting higher order aberrations in ambient light. Indeed, Profile discloses and teaches the use of a lens consisting of a single layer of liquid crystal, and recognizes that this lens creates a birefringence problem. *See* Profile ¶ 8. To overcome the birefringence problem, Profile teaches the use of a polarized filter on the light traveling through its lens. *Id.* at ¶ 9. Profile teaches away from the present invention because Profile's solution to the birefringence problem and for its lens to work is the polarized filter. In contrast, the present invention does not need and does not use a polarized filter to correct higher order aberrations. The present invention corrects for higher order aberrations while using ambient light. The Profile lens, because of its use of a polarized filter, cannot correct higher order aberrations using ambient light.

Additionally, as discussed with the Examiner none of the prior art cited by the Examiner teaches how to manufacture a lens that can correct for higher order aberrations. Specifically, none of the prior art cited by the Examiner teaches localized changes in the refractive power of the lens, as taught by Applicants.

Through the present amendment, claims 10 and 75 have been cancelled without prejudice to pursue them in related applications. Remaining claims 1-9, 11-12, 59, 71-74, 76-77, 79-85, 89-90 and 96-98 are pending in the application, and claims 1, 2, 71, 81, 85, 89 and 96-98 have been amended.[1] Applicants respectfully request reconsideration of the pending claims, withdrawal of the present rejections, and submit that claims 1-9, 11-12, 59, 71-74, 76-77, 79-85, 89-90 and 96-98 are in condition for allowance.

Applicants respectfully submit that all of the above amendments are supported by the original application, and that no new matter has been added. Applicants request that these claims be entered and examined.

CONCLUSION

Applicant respectfully submits that all pending claims are in condition for allowance. Should the Examiner determine that any further action is necessary to place the claims in condition for allowance, the Examiner is kindly requested (and encouraged) to telephone the Applicants' undersigned representative at the number listed below.

Respectfully submitted,
HUNTON & WILLIAMS LLP

February 18, 2005

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[1] In a previous amendment, Applicants amended claims to change the term "unconventional refractive error" to "non-conventional refractive error." Current amendments also refer to "non-conventional refractive error" in order to be consistent.